IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:	Examiner: Walsh, Daniel I.
Zatloukal, et al.	Group Art Unit: 2887
Application No.: 10/560,262	Confirmation No.: 3358
Filed: December 9, 2005	
For: EMULATED RADIO FREQUENCY IDENTIFICATION	

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APPELLANT'S APPEAL BRIEF

TO THE HONORABLE COMMISSIONER FOR PATENTS:

This is Appellant's Brief submitted in support of the Notice of Appeal to the Board of Patent Appeals and Interferences filed on May 16, 2011, appealing the decision of the Examiner in the Office Action mailed March 31, 2011 ("the Action"), in which claims 1-3, 6-11, 13-15, 18, 19, 21, 22, 26-35, 38, and 39 of the subject patent application were again rejected and claims 4, 5, 12, 16, 17, 20, 23-25, 36, 37, and 40 were objected to. Appellant respectfully requests consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the subject patent application.

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I.   <u>REAL PARTY IN INTEREST</u>

The real party in interest in the above-identified application is Varia Holdings, LLC of Brooklyn, New York.

II. RELATED APPEALS AND INTERFERENCES

The Appellant's undersigned attorney and the assignee identified above are not aware of other appeals or interferences that would directly affect, or be directly affected by, or have a bearing on the Board's decision in the subject Appeal.

III.   <u>STATUS OF THE CLAIMS</u>

Claims 1-40 are pending. Claims 1-3, 6-11, 13-15, 18, 19, 21, 22, 26-35, 38, and 39 were rejected in the Action and have been twice rejected. Claims 4, 5, 12, 16, 17, 20, 23-25, 36, 37, and 40 were objected to in the Action. The rejection of claims 1-3, 6-11, 13-15, 18, 19, 21, 22, 26-35, 38, and 39 and objection to claims 4, 5, 12, 16, 17, 20, 23-25, 36, 37, and 40 is being appealed herein.

Claims 41-60 have been previously cancelled.

IV.   STATUS OF AMENDMENTS

The last amendment was filed as an after-final amendment on September 21, 2010 (hereinafter "the After-Final Amendment"). The after-final amendment submitted claims 1-40 for examination and made minor typographical amendments to claim 1. An Advisory Action mailed October 21, 2010 refused entry of the amendments. An Appeal Brief was filed on December 21, 2010 pursuant to a Notice of Appeal appealing rejection of claims 1-40 (hereinafter "the previous Appeal Brief"). The Appeal Brief argued patentability of the unamended version of claim 1. No other amendments were submitted.

The instant Action, re-opened prosecution after the filing of the previous Appeal Brief and did not discuss the previously-filed amendments. It is believed that the amendments were not entered and are currently outstanding.

A copy of the pending claims involved in the appeal as they appear without entry of the amendment is provided in the Claims Appendix, attached hereto.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The following discusses independent claims 1, 13, 21, and 33. According to 37 CFR 41.67(c)(1)(v), a concise explanation of the subject matter in the independent claims has been set forth below with reference to the specification by page and line numbers, and to the drawings, if any, by reference characters. Accordingly, the following shows claims 1, 13, 21, and 33 together with the required reference information in brackets [ ] and *italicized*. Of course, the reference numbers and other bracketed information are illustrative only and are not intended to limit the claims only to the exact embodiments shown and described in the specification and figures of the present application.

1.   A method for providing a radio frequency identification (RFID) comprising:

receiving, by a mobile communications device, an instruction to transmit a first data to a RFID reader [*pg. 6, lines 3-20; pg. 14, lines 24-27; pg. 12, line 30 to pg. 13, line 4; pg. 14, lines 13-15 and 24-27; Fig. 1 mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110, and RFID reader 120; Fig. 2, block 203; Fig. 3, support logic 322; Fig. 6b, list 614 and screen 612; Fig. 7, blocks 704 and 706*];

switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state [*pg. 6, lines 3-20; pg. 9, lines 13-14 and 25-27; pg. 11, lines 19-28; pg. 12, lines 1-15; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*]; and

outputting the first data by the transceiver in the second state, the transceiver outputting the first data as a radio frequency signal in a format employed by the RFID reader [*pg. 6, lines 9-28; pg. 7, lines 16-21; pg. 8, lines 4-17; pg. 11, lines 19-24; pg. 12, lines 1-3 and 12-26; pg. 13, lines 20-30; pg. 14, lines 3-5 and 24-28; Fig. 1, mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110, and RFID reader 120; Fig. 2, block 204; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, and low frequency signal processing 408; Fig. 7, block 710*].

13.   A method for providing a radio frequency identifier (RFID), comprising:

monitoring for proximal presence of a RFID reader by a mobile communication device [*pg. 8, lines 18-28; pg. 13, line 31 to pg. 14, line 12; Fig. 1, mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110, and RFID reader 120; Fig. 2, block 205*], the mobile communication device having a transceiver configured to output a RFID signal to the RFID reader, the transceiver being also configured to output a voice call signal for transmission at least in part over a wireless network [*pg. 6, lines 3-20; pg. 7, lines 8-15; pg. 9, lines 13-14 and 25-27; pg. 11, lines 19-28; pg. 12, lines 1-15; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*]; and

on detection of the RFID reader, outputting by the transceiver a data as a radio frequency signal in a format employed by the RFID reader [*pg. 6, lines 9-28; pg. 7, lines 16-21; pg. 8, lines 4-13 and 20-28; pg. 11, lines 19-24; pg. 12, lines 1-3 and 12-26; pg. 13, line 20 to pg. 14, line 5 and 24-28; Fig. 1, mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110, and RFID reader 120; Fig. 2, block 206; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, and low frequency signal processing 408*].

21.   A mobile communication device comprising:

a transmitter configured to transmit a radio frequency signal, the transmitter comprising a first signal processing section and a second signal processing section, the first signal processing section configured to output voice call signals in a first radio frequency range and the second signal processing section configured to output RFID signals in a second radio frequency range [*pg. 6, lines 3-20; pg. 9, lines 13-14 and 25-27; pg. 11, lines 19-28; pg. 12, lines 1-16; Fig. 1, mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*];

a storage medium to store a first data and instructions to operate the transmitter [*pg. 8, lines 14-17; pg. 12, lines 30-32; pg. 9, lines 1-12; Fig. 3, memory 304 with operating logic 320 and RFID feature 322*], the transmitter being operated to switch between the first and second signal processing sections to selectively (a) output a first data as a RFID signal in a format

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employed by a RFID reader, in response to a user instruction, and (b) output a voice call signal for transmission over a wireless network [*pg. 6, lines 3-20; pg. 9, lines 13-14 and 25-27; pg. 11, lines 19-28; pg. 12, lines 1-15; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*]; and

a processor coupled to the transmitter and the storage to execute the instructions [*pg. 9, lines 1-5, 13-19, and 25-27; Fig. 3, processor 302; see also Fig. 4, arrows to/from processor*].

33. (Previously Presented) A mobile communication device comprising:

a transmitter configured to transmit a voice call signal in a first operational state and a RFID signal in a second operational state [*pg. 6, lines 3-20; pg. 9, lines 13-14 and 25-27; pg. 11, lines 19-28; pg. 12, lines 1-15; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*];

a storage medium to store a first data and instructions to switch the transmitter between the first and second operational states to selectively (a) monitor for proximal presence of a radio frequency identifier (RFID) reader [*pg. 8, lines 14-28; pg. 12, lines 30-32; pg. 9, lines 1-12; pg. 12, lines 30-32; Fig. 2, block 205; Fig. 3, memory 304 with operating logic 320 and RFID feature 322; Fig. 4, switch 404, Joint RF TX/RX 402, high frequency signal processing 410, and low frequency signal processing 408*], and on detection of a RFID reader, output a data as a RFID signal in a format employed by the RFID reader [*pg. 6, lines 9-28; pg. 7, lines 16-21; pg. 8, lines 4-13 and 20-28; pg. 11, lines 19-24; pg. 12, lines 1-3 and 12-26; pg. 13, line 20 to pg. 14, line 5 and 24-28; Fig. 1, mobile communication HW/SW elements 104, RFID Emulation HW/SW elements 106, RFID 110, and RFID reader 120; Fig. 2, block 206; Fig. 3, transceiver 308 and processor 302; Fig. 4, switch 404, Joint RF TX/RX 402, and low frequency signal processing 408*], and (b) transmit a voice call signal to another user of another communication device at least in part over a wireless network [*pg. 6, lines 3-20 pg. 7, lines 8-15; pg. 12, lines 1-11; Fig. 4, , switch 404, Joint RF TX/RX 402, and high frequency signal processing 410*]; and

a processor coupled to the transmitter and the storage to execute the instructions [*pg. 9, lines 1-5, 13-19, and 25-27; Fig. 3, processor 302; see also Fig. 4, arrows to/from processor*].

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VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL-

Whether claims 1-3, 6-8, 13-15, 18-19, 21-22, 26-28, 32-35, and 38-39 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 20002/0123325 to Cooper (hereinafter "Cooper").

Whether claims 9-11 and 29-31 are unpatentable under 35 U.S.C. § 103(a) over Cooper in view of U.S. Patent No. 5,530,702 to Palmer et al. (hereinafter "Palmer").

VII.   ARGUMENT

A.   Claims 1-3, 6-8, 13-15, 18-19, 21-22, 26-28, 32-35, and 38-39 are Patentable under 35 U.S.C. § 103(a) over Cooper

As indicated above, and previously in the record, claims 1-3, 6-8, 13-15, 18-19, 21-22, 26-28, 32-35, and 38-39 were rejected in the Action under 35 U.S.C. § 103(a) over Cooper. Claims 1, 13, and 21 are independent.

In order to make a *prima facie* case of obviousness, all claim limitations must be considered. [See, M.P.E.P. § 2143.03] However, Cooper fails to teach or suggest each and every recitation of the claims. Therefore, it is respectfully submitted that the appealed Action failed to make a *prima facie* case of obviousness and the rejection is therefore improper.

1.   Rejection of Independent Claim 1

a.   Cooper's Teaching of Separate Bluetooth and RFID Transmitters Does Not Teach or Suggest a "Transceiver Configured to Output Voice Call Signals . . . and to Output RFID Signals" as Recited in Claim 1

Claim 1 recites, in part:

switching a transceiver of the mobile communications device from a first state to a second state, *the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state . . . .*

In its rejection, the Action argued that the above-quoted language was taught at paragraphs 0025 and 0032 of Cooper. [Action at page 3.] Appellant respectfully disagrees that Cooper teaches or suggests this language of claim 1.

In the first cited passage, Cooper teaches using a Bluetooth-equipped headset to transmit voice data to a telephone terminal:

For convenience, voice quality, security (to prevent audible eavesdropping of the other side of the conversation), and/or decorum, each user may choose to employ a Bluetooth®-equipped headset in lieu of placing the telephone terminal in speakerphone mode. According to the present invention, both headsets and the telephone terminal would initially be in non-secure mode, and capable only of non-secure communications. *To engage in pairing and establish a secure piconet*

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according to the Bluetooth® protocol, the devices would need to be placed in
secure mode by bringing them into close physical proximity.

[Cooper, at paragraph 0025; emphasis added.] By contrast, paragraph 0032 teaches the use of

RFID tags in a Bluetooth device to help establish the "secure mode" between headsets:

> One example of a well-developed technology suited for such application is
> the field of radio frequency identification (RFID). . . . When one or more RFID
> tags come into the operating range of an RFID interrogator, they transmit data
> (typically, a unique identification code) to the interrogator. [A]n RFID
> interrogator may be incorporated into the relatively complex telephone terminal,
> *with the relatively simple headsets equipped with corresponding RFID tag*
> *circuitry.* . . . The RFID interrogator may generate an RF sine wave that optionally
> provides power to the RFID tags, a synchronized clock source to the RFID tags,
> and functions as a carrier for returned data from RFID tags. *Each RFID tag in a*
> *Bluetooth® device may contain a coil antenna. . . . Once the RFID tag has*
> *received sufficient energy from its coil antenna or battery to operate correctly, it*
> *divides down the RF carrier signal and begins clocking its data to an output*
> *transistor connected across the coil antenna. . . .* In this manner, commonly
> referred to as "backscatter modulation," each slave Bluetooth® device may
> communicate its Bluetooth® security code or other data to the master Bluetooth®
> device.

[Cooper, at paragraph 0032; emphasis added.] Appellant notes initially that Cooper at no point

teaches or suggests that its headset utilizes the same hardware to transmit both Bluetooth and

RFID data. As such, Cooper cannot teach or suggest a "transceiver configured to output voice

call signals in the first state and to output RFID signals in the second state" as recited in claim 1.

Indeed, at paragraph 0032, Cooper clearly describes that "RFID tag circuitry" can be *added* to a

headset to allow the headset to communicate an RFID. This means that Cooper teaches the

benefit of adding additional circuitry to achieve transmission of both voice data and RFID data.

As such, Cooper clearly *teaches away* from the recited "transceiver configured to output voice

call signals in the first state and to output RFID signals in the second state."

In an attempt to address this clear distinction between the claim recitations and Cooper,

however, the Action argued for an expansive and non-traditional interpretation of the

"transceiver" recitation of claim 1:

> The Examiner has interpreted the circuitry of the mobile device, such as
> that responsible for communications, as the transceiver portion which is able to
> switch from a first and second state (non secure mode (voice mode) and a mode
> wherein RFID is communicated for authentication).

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[Action, at page 3.] Thus, by the Action's argument, the headset in Cooper would read on a "transceiver" simply by virtue of having *two separate transmitters housed inside the same device*. Appellant respectfully argues that this is not a reasonable interpretation of the claim language.

A claim term must be given its "plain meaning," that is, the "ordinary and customary meaning given to the term by those of ordinary skill in the art." [MPEP 2111.01] The term "transceiver," however, is well understood by those of ordinary skill in the art. One of ordinary skill in the art would not reasonably interpret a "transceiver" so broadly as to incorporate an entire mobile device's circuitry, and in particular to be read on by two separate transmitters, as Cooper teaches. Furthermore, Appellant respectfully submits that nothing in the Specification nor in the prosecution record supports such an unreasonably broad interpretation. As such, it is respectfully submitted that the Action's interpretation is in error and that Cooper does not teach or suggest a "transceiver configured to output voice call signals in the first state and to output RFID signals in the second state" as recited in claim 1.

> b. <u>Neither Cooper's Teaching of Secure and Non-Secure Modes nor Its Teaching of Transmitting Bluetooth and RFID Teaches or Suggests "Switching a Transceiver . . . from a First State to a Second State," as Recited in Claim 1</u>

As discussed above, claim 1 recites, in part:

> *switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state . . . .*

In its rejection, the Action argued that the above-quoted language was taught at Figure 2 of Cooper, and in particular by Cooper's teaching of a secure state and a non-secure state:

> Cooper teaches switching a transceiver of the mobile communications device (headset) from a first state (operating in non-secure mode/voice mode) to a second state (secure mode) (FIG. 2). Cooper teaches the transceiver is configured to output voice call signals in the first state (non-secure mode), and that in a second state RFID is output for authentication. For purposes of Examination, the Examiner has interpreted the first state was a voice state and the second state as when RFID is outputted. Alternatively, the Bluetooth could be the first state (secure connection and the second state could be a subsequent RFID communication for a subsequent (secure communication attempt).

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[Action at pages 3 and 4.] Appellant respectfully disagrees that Cooper teaches or suggests this language of claim 1.

Appellant notes initially that, for at least the reasons discussed above with respect to the "transceiver" recitation of claim 1, Cooper does not teach or suggest the recited "transceiver" recitation. As such, Cooper cannot teach or suggest "switching [the] transceiver of the mobile communications device from a first state to a second state," where the transceiver is recited as discussed above.

Further, Appellant respectfully notes that, even if the term "transceiver" were to be interpreted as expansively as the Action suggested, Cooper would still not teach or suggest the "switching" language above. Cooper teaches "secure" and "non-secure" modes, as the Action argued. However, paragraph 0025 of Cooper, which is quoted above, clearly describes both of these modes as aspects of a Bluetooth connection. As such Bluetooth and voice communications may be performed in *either* mode.

Furthermore, paragraph 0032 of Cooper describes that Cooper's RFID tags are used to *facilitate* sharing of a Bluetooth security code to set up such a secure connection. However, Cooper does not teach any change in the RFID tags responsiveness based on whether or not Bluetooth communications are occurring in a secure or non-secure manner. This means RFID communications can occur in *either* mode, as well.

Since Cooper teaches that *all* types of communications can happen in *any* mode, it is respectfully submitted that Cooper cannot teach or suggest "switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state," as recited in claim 1.

c.   Independent Claim 1 Is Patentable over Cooper

For at least the foregoing reasons, Appellant contends that the cited passages of Cooper do not teach or suggest the above-emphasized recitations of claim 1. Appellant does not find relevant teaching elsewhere in Cooper to remedy these deficiencies.

In view of the foregoing, Appellant respectfully submits that the Action has not shown that Cooper teaches or suggests each and every element of claim 1. The Action thus failed to

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make a *prima facie* case of unpatentability of claim 1 under 35 U.S.C. § 103 and the rejection was therefore improper. Appellant respectfully requests that the rejection of independent claim 1 be withdrawn and that claim 1 be allowed.

2. Rejection of Independent Claim 13

Claim 13 recites, in part:

> monitoring for proximal presence of a RFID reader by a mobile communication device, *the mobile communication device having a transceiver configured to output a RFID signal to the RFID reader, the transceiver being also configured to output a voice call signal for transmission at least in part over a wireless network*; and
> on detection of the RFID reader, outputting by the transceiver a data as a radio frequency signal in a format employed by the RFID reader.

[Emphasis added.] In its rejection of claim 13, the Action referred back to its rejection of claim 1, in particular to support its rejection of the "transceiver" recitation of claim 13. [Action, at page 4.] As such, Appellant respectfully submits that, for at least the reasons discussed above with respect to claim 1, the cited passages of Cooper do not teach or suggest at least the above-emphasized recitations of claim 13. Appellant does not find relevant teaching elsewhere in Cooper to remedy these deficiencies.

In view of the foregoing, Appellant respectfully submits that the Action has not shown that Cooper teaches or suggests each and every element of claim 13. The Action thus failed to make a *prima facie* case of unpatentability of claim 13 under 35 U.S.C. § 103 and the rejection was therefore improper. Appellant respectfully requests that the rejection of independent claim 13 be withdrawn and that claim 13 be allowed.

3. Rejection of Independent Claim 13

Claim 13 recites, in part:

> a transmitter configured to transmit a radio frequency signal, *the transmitter comprising a first signal processing section and a second signal processing section, the first signal processing section configured to output voice call signals in a first radio frequency range and the second signal processing section configured to output RFID signals in a second radio frequency range*;
> a storage medium to store a first data and instructions to operate the transmitter, *the transmitter being operated to switch between the first and second*

signal processing sections to selectively (a) output a first data as a RFID signal
in a format employed by a RFID reader, in response to a user instruction, and (b)
output a voice call signal for transmission over a wireless network . . . .

[Emphasis added.] In its rejection of claim 21, the Action referred to the same passages of Cooper as it used in its rejection of claim 1. [Action, at pages 5 and 6.] As such, Appellant respectfully submits that, for at least the reasons discussed above with respect to claim 1, the cited passages of Cooper do not teach or suggest at least the above-emphasized recitations of claim 21. Appellant does not find relevant teaching elsewhere in Cooper to remedy these deficiencies.

In view of the foregoing, Appellant respectfully submits that the Action has not shown that Cooper teaches or suggests each and every element of claim 21. The Action thus failed to make a *prima facie* case of unpatentability of claim 21 under 35 U.S.C. § 103 and the rejection was therefore improper. Appellant respectfully requests that the rejection of independent claim 21 be withdrawn and that claim 21 be allowed.

    4.   Rejection of Dependent Claims 2, 3, 6-8, 14, 15, 18-19, 22, 26-28, 32-35, and 38-39

Claims 2, 3, 6-8, 14, 15, 18-19, 22, 26-28, 32-35, and 38-39 each depend from one of independent claims 1, 13, and 21 and incorporates their respective recitations. Therefore, for at least similar reasons as those discussed above, the Action failed to make a prima facie case of obviousness of claims 2, 3, 6-8, 14, 15, 18-19, 22, 26-28, 32-35, and 38-39 under 35 U.S.C. § 103(a) over Cooper, and the rejections are improper. Appellant respectfully requests that the rejections of claims 2, 3, 6-8, 14, 15, 18-19, 22, 26-28, 32-35, and 38-39 be withdrawn and that claims 2, 3, 6-8, 14, 15, 18-19, 22, 26-28, 32-35, and 38-39 be allowed.

    B.   Claims 9-11 and 29-31 are Patentable under 35 U.S.C. § 103(a) over Cooper in view of Palmer

Claims 9-11 and 29-31 each depend from independent claims 1 and 21, respectively, and incorporate their respective recitations. Therefore, for at least similar reasons as those discussed above, Cooper does not teach or suggest each and every recitation of claim 9-11 and 29-31. Furthermore, Appellant does not find relevant disclosure in Palmer, which is directed to the

sharing of identifying information between many data terminals. [Palmer, at column 4, lines 7-14.] Therefore, Cooper and Palmer, taken either separately or in combination, do not teach or suggest each and every recitation of claims 9-11 and 29-31.

It is respectfully submitted that the Action failed to make a prima facie case of obviousness of claims 9-11 and 29-31 under 35 U.S.C. § 103(a) over Cooper and Palmer, and that the rejections are improper. Appellant respectfully requests that the rejections of claims 9-11 and 29-31 be withdrawn and that claims 9-11 and 29-31 be allowed.

VIII.   CONCLUSION

Appellant respectfully submits that claims 1-3, 6-11, 13-15, 18, 19, 21, 22, 26-35, 38, and 39 are allowable and respectfully requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims. Furthermore, Appellant respectfully requests that the Board of Patent Appeals and Interferences direct allowance of objected-to claims 4, 5, 12, 16, 17, 20, 23-25, 36, 37, and 40, each of which depends from a rejected claim.

Accompanying the previous Appeal Brief, Appellant submitted payment of $270 to cover the fee for filing a brief in support of an appeal as specified in 37 C.F.R. § 41.20(b)(2). As the Examiner subsequently re-opened prosecution prior to a decision by the Board of Patent Appeals and Interferences, Appellant does not believe any fees are needed for the instant Appeal Brief. However, should that be necessary, please charge Deposit Account No. 500393. In addition, please credit any overages to the same account.

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: July 14, 2011   /Ryan C. Fox/
                                                     Ryan C. Fox
                                                     Registration No. 65,369

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CLAIMS APPENDIX

In accordance with 37 CFR 41.37(c)(1)(viii), provided herewith is an appendix containing a copy of the "claims involved in the appeal," which are claims 1-40. It is noted that previously-canceled claims 41-60 are not "involved in the appeal," and therefore 37 CFR 41.37(c)(1)(viii) does not require a copy of these canceled claims to be included below:

1.   (Previously Presented) A method for providing a radio frequency identification (RFID) comprising:

receiving, by a mobile communications device, an instruction to transmit a first data to a RFID reader;

switching a transceiver of the mobile communications device from a first state to a second state, the transceiver configured to output voice call signals in the first state and to output RFID signals in the second state; and

outputting the first data by the transceiver in the second state, the transceiver outputting the first data as a radio frequency signal in a format employed by the RFID reader.

2.   (Previously Presented) The method of claim 1, wherein said transceiver comprises a first signal processing unit configured to process voice call signals and a second signal processing unit configured to process RFID signals, said switching comprising coupling the second signal processing unit to a transmission path of the transceiver.

3.   (Previously Presented) The method of claim 1, wherein said first data comprises a selected one of a security key and an identifier.

4.   (Previously Presented) The method of claim 3, wherein said security key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

5.   (Previously Presented) The method of claim 1, wherein said first data comprises an identifier, and said identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

6.   (Original) The method of claim 1, wherein the method further comprises facilitating the user in selecting the first data from a plurality of data using the mobile communication device.

7.   (Original) The method of claim 1, wherein the method further comprises facilitating provision of the first data to the mobile communication device.

8.   (Previously Presented) The method of claim 7, wherein said facilitating of the provisioning of the data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the data in the format employed by the RFID reader.

9.   (Previously Presented) The method of claim 1, wherein the method further comprises: monitoring for proximal presence of the RFID reader by the mobile communication device; and on detection of the RFID reader by the mobile communication device, outputting by the transceiver a second data as a second radio frequency signal, the outputting emulating output of the second data by a RFID transponder of a passive type.

10.   (Previously Presented) The method of claim 9, wherein said monitoring comprises sensing for a probing radio frequency signal of the RFID reader by the mobile communication device.

11.   (Original) The method of claim 9, wherein said first and second data are the same data.

12.   (Original) The method of claim 1, wherein the mobile communication device is a selected one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

13.   (Previously Presented) A method for providing a radio frequency identifier (RFID), comprising:

    monitoring for proximal presence of a RFID reader by a mobile communication device, the mobile communication device having a transceiver configured to output a RFID signal to the RFID reader, the transceiver being also configured to output a voice call signal for transmission at least in part over a wireless network; and

    on detection of the RFID reader, outputting by the transceiver a data as a radio frequency signal in a format employed by the RFID reader.

14.   (Previously Presented) The method of claim 13, wherein said monitoring comprises sensing for a probing radio frequency signal of the RFID reader by the mobile communication device.

15.   (Original) The method of claim 13, wherein said data comprises a security key.

16.   (Original) The method of claim 15, wherein said security key comprises a door key.

17.   (Original) The method of claim 16, wherein said door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

18.   (Original) The method of claim 13, wherein the method further comprises facilitating provision of the data to the mobile communication device.

19.   (Previously Presented) The method of claim 18, wherein said facilitating of the provisioning of the data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the data in the format employed by the RFID reader.

20.   (Original) The method of claim 13, wherein the mobile communication device is a selected of a wireless mobile phone and a personal digital assistant equipped with communication capability.

21.   (Previously Presented) A mobile communication device comprising:

a transmitter configured to transmit a radio frequency signal, the transmitter comprising a first signal processing section and a second signal processing section, the first signal processing section configured to output voice call signals in a first radio frequency range and the second signal processing section configured to output RFID signals in a second radio frequency range;

a storage medium to store a first data and instructions to operate the transmitter, the transmitter being operated to switch between the first and second signal processing sections to selectively (a) output a first data as a RFID signal in a format employed by a RFID reader, in response to a user instruction, and (b) output a voice call signal for transmission over a wireless network; and

a processor coupled to the transmitter and the storage to execute the instructions.

22.   (Original) The device of claim 21, wherein said first data comprises a selected one of a security key and an identifier.

23.   (Original) The device of claim 22, wherein said first data comprises a security key, and said security key comprises a door key.

24.   (Original) The device of claim 23, wherein said door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

25.   (Original) The device of claim 22, wherein said first data comprises an identifier, and said identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

26.   (Original) The device of claim 21, wherein the instructions are further designed to facilitate the user in selecting the first data from a plurality of data, and instructing said output.

27.   (Original) The device of claim 21, wherein the instructions are further designed to facilitate provision of the first data to the mobile communication device.

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28.   (Original) The device of claim 27, wherein the instructions are further designed to include with said facilitating, provisioning of at least a signaling attribute associated with the outputting of the first data in the form of a radio frequency signal.

29.   (Previously Presented) The device of claim 21, wherein the instructions are further designed to
        monitor for proximal presence of the RFID reader; and
        on detection of the RFID reader, operate the transceiver to output a second data as a second RFID signal.

30.   (Original) The device of claim 29, wherein the instructions are further designed to sense for a probing radio frequency signal of the RFID reader.

31.   (Original) The device of claim 29, wherein said first and second data are the same data.

32.   (Previously Presented) The device of claim 21, wherein the mobile communication device is a selected one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

33.   (Previously Presented) A mobile communication device comprising:
        a transmitter configured to transmit a voice call signal in a first operational state and a RFID signal in a second operational state;
        a storage medium to store a first data and instructions to switch the transmitter between the first and second operational states to selectively (a) monitor for proximal presence of a radio frequency identifier (RFID) reader, and on detection of a RFID reader, output a data as a RFID signal in a format employed by the RFID reader, and (b) transmit a voice call signal to another user of another communication device at least in part over a wireless network; and
        a processor coupled to the transmitter and the storage to execute the instructions.

34.   (Original) The device of claim 33, wherein said instructions are further designed to sense for a probing radio frequency signal of the RFID reader.

35.   (Original) The device of claim 33, wherein said data comprises a security key.

36.   (Original) The device of claim 35, wherein said security key comprises a door key.

37.   (Original) The device of claim 36, wherein said door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

38.   (Original) The device of claim 33, wherein the instructions are further designed to facilitate provision of the data to the mobile communication device.

39.   (Original) The device of claim 38, wherein the instructions are further designed to include with said facilitating, provisioning of at least a signaling attribute associated with the outputting of the data in the form of a radio frequency signal.

40.   (Original) The device of claim 33, wherein the mobile communication device is a selected of a wireless mobile phone and a personal digital assistant equipped with communication capability.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.